

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CIVIL APPLICATION NO.12125 OF 2021
IN FA/1502/2021

RATNABAI DEEPAK MARATHE AND ORS

VERSUS

M/S. SHRIRAM GENERAL INSURANCE CO. LTD.,
THR ITS MANAGER (LEGAL) AND ORS

...

Advocate for Applicants : Mr S.S. Dargad h/f Mr S.S. Bora
Advocate for Respondent No. 1: Mr V.N. Upadhye

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 10th March, 2022

PER COURT :

1. Heard Mr S.S. Dargad holding for Mr S.S. Bora, learned counsel for the applicants and Mr V.N. Upadhye, learned counsel for respondent No.1/insurance company on the point of withdrawal of amount deposited by the insurance company.
2. In pursuance to the order passed by this Court dated 14th January, 2022, the insurance company has not produced any documents in order to support its defence of fake cover note.
3. Mr S.S. Dargad, learned counsel for the applicants prayed for 100% withdrawal of compensation amount deposited by the insurance company.
4. Mr V.N. Upadhye, learned counsel for the respondent No.1/insurance company opposed to grant this application. He submits that at the most, 30% may be allowed to be withdrawn.

5. Having regard to the submissions of both the sides and on perusing the award passed in MACP No. 379/2014, it is noticed that the Tribunal was pleased to award compensation of Rs. 15,69,400/- to the applicants with interest @ 7.5% per annum by fixing the liability on the owner of the vehicle and insurer. The insurance company has deposited the amount of compensation along with interest in this Court which comes to Rs. 23,27,918/-. It is pointed out by Mr Dargad, learned counsel for the applicants that applicant No. 1 is widow and applicant Nos. 2 and 3 are minor daughters taking education. Applicant No.4 is old aged mother of deceased. Applicant No.1 is required to shoulder responsibility of these applicants. Therefore, the applicants are in need of money.

6. By considering all these aspects, I am convinced to allow the applicants to withdraw 60% of the amount of compensation which would meet the ends of justice.

ORDER

- (I) The application is hereby allowed.
- (II) The applicants are permitted to withdraw 60% of the amount of compensation with accrued interest thereon by furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (III) Remaining 40% balance amount of compensation shall be deposited in Fixed Deposit Account in any nationalized bank for a period of two years initially with renewal clause.
- (IV) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)